

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE

Case

22-CC-320892

Date Filed

June 28, 2022

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------------|
| a. Name International Longshoremen's Association | b. Union Representative to contact Harold J. Daggett | |
| c. Address (Street, city, state, and ZIP code) International Longshoremen's Association 5000 West Side Ave. North Bergen, New Jersey 07047 | d. Tel. No. (212) 425-1200 | e. Cell No. |
| | f. Fax No. | |
| | g. e-mail hdaggett@ilaunion.org | |
| h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) 8(b)(4)(ii)(B) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | | |

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
Please see attached synopsis of charge.

| | | | |
|-------------------------------------------------------|--------------------------------------------|------------------------------------|------------------------------|
| 3. Name of Employer Port Newark Container Terminal | 4a. Tel. No. (973) 522-4777 | b. Cell No. (b) (6), (b) (7)(C) | c. Fax No. (973) 491-0932 |
| | d. e-mail (b) (6), (b) (7)(C) @PNCT.NET | | |

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|----------------------------------------------------------------------------------------------------------------|---------------------|
| 5. Location of plant involved (street, city, state and ZIP code) 241 Calcutta Street, Port Newark, NJ 07114 | (b) (6), (b) (7)(C) |
|----------------------------------------------------------------------------------------------------------------|---------------------|

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|--------------------------------------------------------------------|------------------------------------------|-------------------------------|
| 7. Type of establishment (factory, mine, wholesaler, etc.) Port | 8. Identify principal product or service | 9. Number of workers employed |
|--------------------------------------------------------------------|------------------------------------------|-------------------------------|

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| 10. Full name of party filing charge International Union of Operating Engineers Local 825 |
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|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------|------------|
| 11. Address of party filing charge (street, city, state and ZIP code) 65 Springfield Avenue, 3rd Floor, Springfield, NJ 07081 | 11a. Tel. No. (973) 671-6900 | b. Cell No. (973) 617-6431 | c. Fax No. |
| | d. e-mail lsantiago@iuoe825.org | | |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------|
| 12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. /s/Vincent Giblin Vincent Giblin, Esq. (signature of representative or person making charge) (Print/type name and title or office, if any) | | Tel. No. (201) 928-1100 |
| | | Cell No. (201) 956-0914 |
| | | Fax No. |
| Address 61 S. Paramus Road, Paramus, New Jersey 07652 Date 6/28/2023 | | e-mail vgiblin@decotiislaw.com |

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Preliminary Statement

The International Union of Operating Engineers Local 825 (“IUOE Local 825” or “Charging Party”) alleges that: (1) the International Longshoremen Association (“ILA”) violated and continues to violate Section 8(b)(4)(ii)(B) of the National Labor Relations Act (“NLRA” or the “Act”), 29 U.S.C. § 158(b)(4)(ii)(B), by threatening, coercing and restraining third parties, namely the Port Newark Container Terminal (“PNCT”), Maher Terminal, and APM Terminal (PNCT, Maher Terminal and APM Terminal are collectively the “Terminal Operators”) with the object of causing the Terminal Operators to cease doing business with IUOE Local 825 signatory contractors and IUOE Local 825 based on an alleged dispute between other unknown locals of the International Union of Operating Engineers and the ILA at some other unknown location or job site; (2) the ILA, in concert with the Terminal Operators, violated and continue to violate Section 8(b)(2) of the Act by causing or attempting to cause an employer to discriminate against an employee based on the employee’s membership with IUOE Local 825; (3) the ILA violated and continues to violate Section 8(b)(4)(D) of the NLRA by coercing the Terminal Operators through a threatened work stoppage for the purpose of forcing it to assign certain work from IUOE Local 825 to the ILA; (4) the ILA, in concert with the Terminal Operators, violated and continues to violate Section 8(e) of the Act by entering into an agreement with the purpose of having the Terminal Operators refuse to do business with any contractor affiliated with IUOE Local 825; (5) the ILA, in concert with the Terminal Operators violated Sections 8(b)(3) & 8(a)(5) by failing to bargain in good faith with IUOE Local 825 and IUOE Local 825 signatory contractors over the nature of the work stoppage and the terms of the letter agreement setting forth the jurisdictional claims to work as further described below.

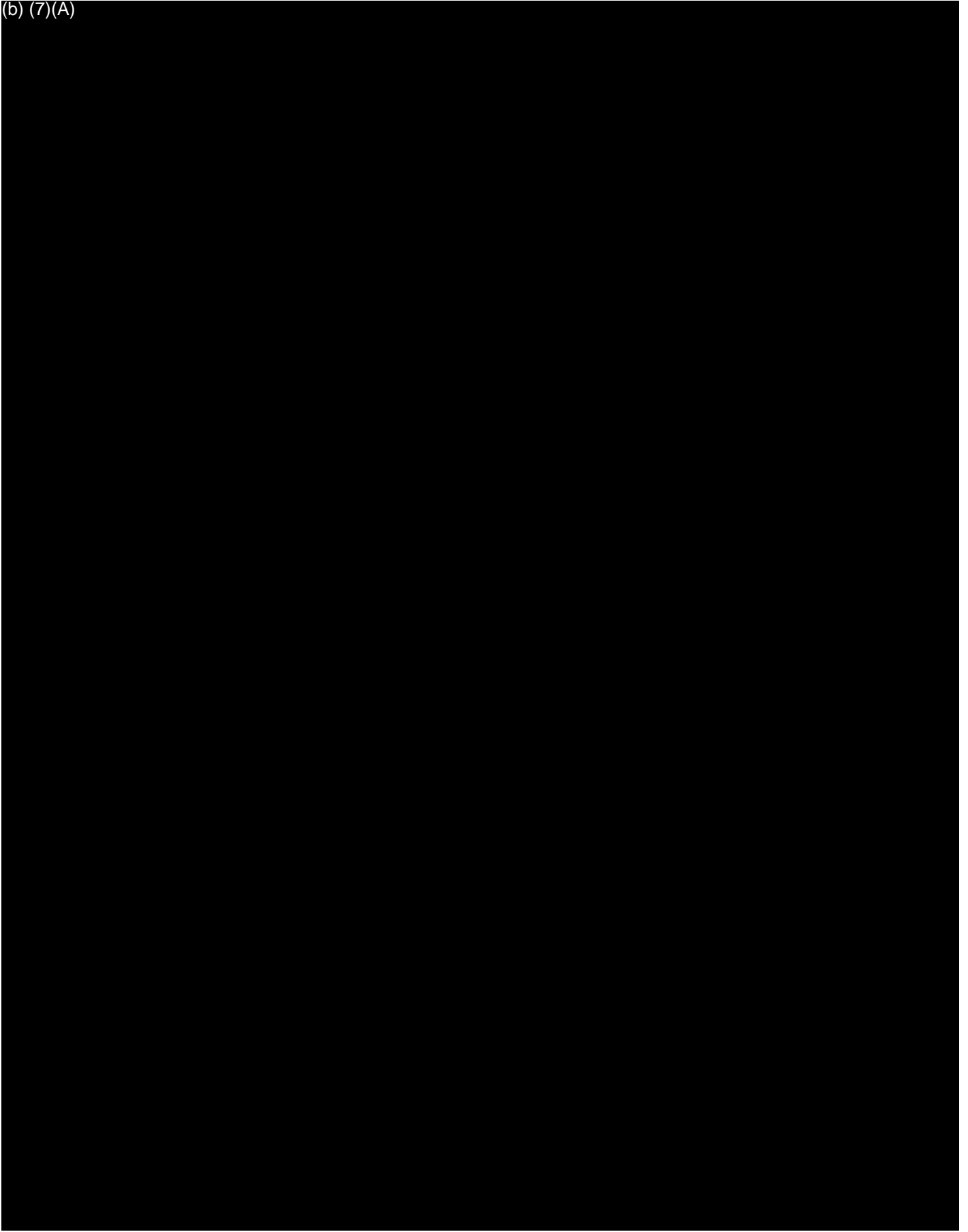
The Charging Party requests that the above referenced Unfair Labor Practice charges be sustained against the ILA in order to deter them from their unlawful coercive pressure campaign. Further, based upon the alleged 8(b)(4)(D) violation, the Charging Party requests a hearing and an award of the work under Section 10(k) of the Act. Finally, in order to deter the ILA’s pervasive illegal conduct and to ensure that the Board’s decisions will be meaningful and restores labor harmony to the Ports of Newark and Elizabeth, IUOE Local 825 requests injunctive relief under Section 10(j) of the Act.

ILA’S Pervasive, Concerted & Continued Unlawful Activity

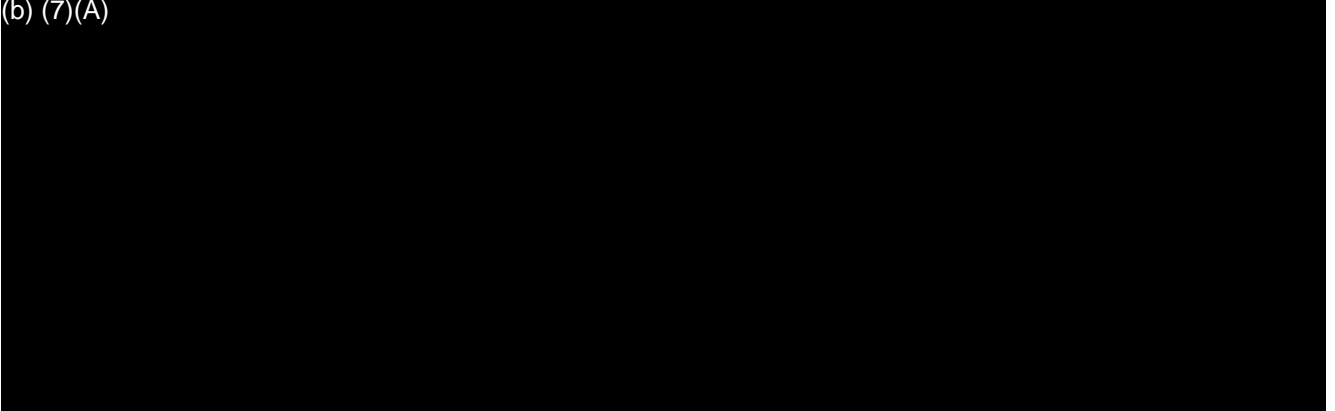
(b) (7)(A)



(b) (7)(A)



(b) (7)(A)



Request for Relief

Based on the foregoing, IUOE Local 825 requests a finding that the ILA violated the Act by threatening, coercing and restraining the Terminal Operators, with the object of causing said neutral parties to cease doing business with IUOE Local 825 signatory contractors and IUOE Local 825 based on an alleged dispute between other unknown locals of IUOE and ILA at an unknown project or job site not involving the Terminal Operators. Further, IUOE Local 825 requests a finding that the ILA, through and in concert with the Terminal Operators, violated the Act by causing or attempting to cause the Terminal Operators to discriminate against IUOE Local 825 members and IUOE Local 825 signatory contractors based on their affiliation and membership with IUOE Local 825. Additionally, IUOE Local 825 requests a finding that the ILA, through and in concert with the Terminal Operators, violated the Act by entering into an agreement with the purpose of having the Terminal Operators cease doing business with IUOE Local 825 and its affiliated contractors. Further, ILA, through and in concert with PNCT, violated the Act by negotiating in bad faith with IUOE Local 825 and its signatory contractor regarding the LOU and the Project.

Finally, ILA violated Section 8(b)(4)(D) of the NLRA by threatening, coercing and restraining Bay Crane and the PNCT, with the object of forcing or requiring them to assign work away from IUOE Local 825 and to ILA. Further, in light of such a violation, IUOE Local 825 requests an assignment of the work under Section 10(k) of the NLRA. The assignment of the work to IUOE Local 825 is supported by the fact that (1) the work was contracted to IUOE Local 825 under the LOU, (2) IUOE Local 825 had already been performing the work for months at the time of the purported 'labor dispute', (3) Bay Crane is a signatory contractor with IUOE Local 825 and prefers to continue to use IUOE Local 825 operators, (4) IUOE Local 825 operators have historically performed the construction and erection of cranes at the Port of Newark, and (5) IUOE Local 825 operators possess the skills and training that make them most qualified to perform the work. Finally, based upon the ILA's expansive pattern of unfair labor practices and illegal secondary activity, IUOE Local 825 requests injunctive relief under Section 10(j) of the NLRA in order to enjoin the ILA from further unfair labor practices.